

Lawrence V. Ashe  
 BOIES, SCHILLER & FLEXNER LLP  
 100 Southeast Second Street, Suite 2800  
 Miami, Florida 33131  
 Tel: 305-539-8400/Fax: 305-539-1307  
 E-mail: [lashe@bsflp.com](mailto:lashe@bsflp.com)  
 Attorneys for Petitioners *Vividus, LLC*  
*f/k/a HM Compounding Services, LLC*  
*and HMX Services, LLC*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

*In the Matter of the Arbitration of*  
 CVS Health Corporation, Caremark, )  
 LLC and Caremark PCS, LLC, )  
 Claimants, )  
 )  
 and )  
 )  
 Vividus, LLC f/k/a HM Compounding)  
 Services, LLC, HMX Services, LLC, )  
 d/b/a HM Compounding, )  
 Respondents. )  
 \_\_\_\_\_ )  
 Vividus, LLC f/k/a HM Compounding)  
 Services, LLC, and HMX Services, )  
 LLC d/b/a HM Compounding, )  
 Petitioners/Appellants, )  
 v. )  
 )  
 Express Scripts, Inc., )  
 Respondent/Appellee. )  
 \_\_\_\_\_ )

Case No. MC-15-0093-PHX-JJT

**NOTICE OF APPEAL**

Dated this 5<sup>th</sup> day of July, 2016  
/s/ Lawrence V. Ashe  
*Attorneys for Vividus, LLC f/k/a HM*  
*Compounding Services, LLC and HMX*  
*Services, LLC*

1 Notice is hereby given that *Vividus, LLC f/k/a HM Compounding Services,*  
2 *LLC and HMX Services, LLC*, petitioners in the above named case, hereby appeal  
3 to the United States Court of Appeals for the Ninth Circuit from the attached Order  
4 denying Petitioners' petition to enforce subpoena duces tecum entered in this  
5 action on the 13<sup>th</sup> day of June, 2016.

6 Respectfully submitted,

7  
8 By: /s/ Lawrence V. Ashe

9 Lawrence V. Ashe, Esq.

10 Florida Bar No.: 932280

11 E-mail: [lashe@bsflp.com](mailto:lashe@bsflp.com)

12 Steven W. Davis, Esq.

13 Florida Bar No.: 347442

14 E-mail: [sdavis@bsflp.com](mailto:sdavis@bsflp.com)

15 BOIES, SCHILLER & FLEXNER LLP

16 100 Southeast Second Street, Ste. 2800

17 Miami, Florida 33131

18 Tel: 305-539-8400

19 Fax: 305-539-1307

20 *Attorneys for Vividus, LLC f/k/a*

21 *HM Compounding Services, LLC and*

22 *HMX Services, LLC*

23 *(Admitted Pro Hac Vice)*  
24  
25  
26

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 5, 2016, the foregoing was filed electronically with the Clerk of Court, to be served by operation of the Court's electronic filing system upon the following:

Christopher A. Smith, Esq.  
Sarah C. Helmann, Esq.  
Jason M. Husgen, Esq.  
HUSCH BLACKWELL LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
Tel: (314) 480-1500  
Fax: (314) 480-1505  
[Chris.smith@huschblackwell.com](mailto:Chris.smith@huschblackwell.com)  
[Sara.hellmann@huschblackwell.com](mailto:Sara.hellmann@huschblackwell.com)  
[Jason.husgen@huschblackwell.com](mailto:Jason.husgen@huschblackwell.com)

/s/ Lawrence V. Ashe

Lawrence V. Ashe